

REMARKS

The Office action of March 5, 2007, has been carefully considered.

Claims 5 has been rejected under 35 USC 112, 1st paragraph. This rejection cites the language of claim 6, however, and appears to be directed to claim 6.

As claim 6 has now been canceled, withdrawal of this rejection is requested.

Claim 6 has been rejected under 35 USC 112, second paragraph, as being indefinite, and this claim has now been canceled.

Objections have been raised to the claims as being "generally narrative and indefinite." In light of the amendments to the claims made in the previous amendment, and the cancellation of claims 6 and 8 hereinabove, it is submitted that all claims are in proper form for US practice. If any objections to the claims remain, they should be specifically pointed out so that appropriate amendments can be made.

Claims 5-9 have been rejected under 35 USC 103(a) over Sohn et al in view of Blecker et al.

The Office Action alleges that Sohn et al discloses a mattress comprising a central spring unit 10, on which is disposed a first sisal layer 12, a cotton layer 15, a perforated plastic layer 17 and an outer textile padding 18. The use of a second sisal layer is assumed to be routine in the art, and Blecker et al has been cited to show that it would have been obvious to replace the plastic layer of Sohn et al with a rubber layer.

The analysis ignores the fundamental requirements of Sohn et al.

Sohn et al teaches, at col. 1, lines 36-50, a mattress

"having a rigid or resiliently pliable board or equivalent structure incorporated *in one side only* thereof, so that the mattress has a firm side and a soft side of conventional inner-spring construction, either side being usable as desired... and has the bed board or equivalent structure permanently incorporated therein to eliminate the necessity of storing the board when not in use..." (emphasis added)

With reference to Fig. 1, the lower side of the mattress includes a sisal-type layer 12, an outer cotton pad 13 and a covering 14.

The upper side of the mattress is, however, substantially different. Although the inner layer is a sisal-type layer 12, the subsequent layers are a fabric layer 15, a bed board 17, an outer pad 18 and a covering layer 19.

This bed board 17, as disclosed at col. 2, lines 41-47, may be formed of a piece of plywood, sheet of metal such as aluminum or iron, or a sheet of synthetic resin. It is very clear from the disclosure that this bed board layer is *rigid*; that is the very point of including such a layer within the mattress. This layer is described as a "stiffening member" in the first paragraph of the specification.

Thus, it is fundamental according to Sohn et al, that the mattress not be symmetrical, and that one side of the mattress include a rigidifying member.

The Office Action alleges that it would have been obvious to replace the "plastic" layer with a rubber layer as taught by Blecker et al. The rubber layer of Blecker et al, however, is a "pneumatic integral foam sheet comprised of predominantly closed cells" (col. 1, lines 51-53), and there is no evidence that this is anything but a resilient foam layer. Indeed, at col. 2, lines 51-62, Blecker et al state that the layer must be yieldable, "i.e. resilient such that substantial

deformation occurs upon application of mechanical pressure... Foams which do not compress to that extent are generally too rigid and hence do not afford a sufficient degree of resiliency."

Thus, the rubber layer of Blecker et al is not rigid and would not serve as a bed board as taught by Sohn et al. One of ordinary skill in the art would not replace the plastic layer of Sohn et al with the rubber layer of Blecker et al, because that rubber layer would not and could not serve as the required rigid bed board layer.

Moreover, the mattress of the invention is symmetrical, whereas the mattress of Sohn et al is not. While the Office Action points out that it is well known to manufacture mattresses in a symmetrical fashion, Applicant points out that Sohn et al *requires that the mattress not be symmetrical*; Sohn et al teaches specifically that the sides of the mattress should have different properties.

Accordingly, to arrive at the mattress of the invention starting with the teachings of Sohn et al, one must ignore the teachings of Sohn et al that the mattress be non-symmetrical and that the mattress include a rigid layer. Replacement of the plastic layer of Sohn et al with a foam rubber layer would defeat the purposes of Sohn et al; there is no suggestion at all of placing such a foam rubber layer on even one face of the mattress of Sohn et al, much less both faces of Sohn et al.

Withdrawal of this rejection is requested.

In view of the foregoing amendments and remarks, Applicant submits that the present application is now in condition for allowance. An early allowance of the application with amended claims is earnestly solicited.

Respectfully submitted,

A handwritten signature in dark ink, appearing to read 'I. J. Schultz', with a stylized flourish at the end.

Ira J. Schultz
Registration No. 28666